

REGULATORY COMMITTEE

14th JULY 2004

CABINET

16th JULY 2004

**LOCAL TRANSPORT PLAN:
CONSULTATION PROTOCOL**

Purpose of Report

1. To consider and adopt a specific protocol for consultation on schemes advanced through the Local Transport Plan (LTP).

Background

2. At its meeting on 14th October 2002, the Council's Cabinet adopted a Consultation Strategy as the corporate standard for all consultation undertaken by the County Council's services. The Strategy (currently under review) identifies a list of principles that form part of the consultation "toolkit". They are:
 - Plan the process of consultation
 - Clarify who to consult and why
 - Say clearly what the consultation is for
 - Say what your organisation does
 - Be flexible about methods
 - Make meetings convenient, accessible and well-publicised
 - Use everyday language and provide translations for those who need this
 - Allow adequate time for those you consult to respond
 - Budget realistically and plan staff time
 - Avoid too much consultation – co-ordinate with others
 - Remember that it is a two-way process
 - Use existing networks
 - Communicate well – give and get good feedback
 - Seek advice early on in the process from those with experience of good practice
3. Council consultation exercises relating to transport based projects can be divided into two categories: those that are statutorily prescribed, and those that are undertaken voluntarily to improve service delivery.
4. Consultation and decision making for the majority of transport based projects is already guided by established practice. By way of example, Members will be familiar with the stages and processes that they are regularly asked to consider when speed limits and other traffic regulation orders are being advanced.
5. In addition, where major highway maintenance works are identified from technical surveys, a well established protocol already exists with Ringway Parkman. Once identified, schemes are programmed, placed on the Street Works Co-ordination schedule and added to Members' Information Packs. Further consultation with the Parish Council, local Member, frontagers and other local interests during design determines the content of the final scheme.

6. By contrast, there is no established national or local best practice to guide Councils when they engage in consultation on more extensive and potentially more controversial schemes. The Council's LTP contains several strategies and themes which rely on the development and delivery of improvements on the ground, and it is crucial that progress is visibly and measurably maintained.

The absence of any guidance, however, has regrettably led to schemes such as area-wide residential enhancements and major town centre improvement proposals commonly leading to:

- disproportionate amounts of money being expended on repetitive and/or inconclusive consultation exercises
- investment on the ground being indefinitely delayed
- delivery and spending targets being missed
- frustration for Members and other key stakeholders
- the credibility of the Council being undermined

all of which have the potential to adversely affect the Council's ability to demonstrate progress and continued improvement. In particular, funding through the LTP is ever more dependent on the County Council being able to demonstrate that year on year, expenditure is producing measurable outcomes.

The Case for a Protocol

7. Consultation can be a powerful tool for improving the quality and cost-effectiveness of services, and for ensuring that the Council remains in touch with the community, and clearly assists in delivery of the Council's three primary aims:
- *to provide excellent services at an affordable cost*
 - *to improve public satisfaction with the County Council and the services it provides*
 - *to take decisions and provide services in a transparent and inclusive way*
8. However these benefits can be secured only if consultation is carefully planned, effectively carried out and thoughtfully used.
9. It is not intended to suggest that the value of consultation should be given any less priority than at present, however there are a number of aspects associated with the process that merit individual consideration.
10. For those LTP driven projects where consultation is not already regularised by statute or other formal guidance, there are generally two separate phases that can be summarised as:
- (i) **Development and Preliminary Design Phase**
- Preliminary consultation designed to highlight a strategic approach – identification of problems/issues to be targeted, outlining objectives for the proposal as a whole, often confined and deliberately structured towards representatives of key businesses, public sector, interest and resident groups

- Following the preparation of a preliminary design, a full public consultation including some or all of the following elements:
 - (i) Newsletters summarising proposals, and feedback form
 - (ii) Stakeholder previews of exhibition and feedback
 - (iii) Public exhibitions
 - (iv) Press articles
 - (v) Press advertisements
 - (vi) Website
 - (vii) Radio interview
 - (viii) Letters to key stakeholders (with newsletter and feedback form)
- Results of consultations to be presented in a Report of Public Consultations
- Modifications to scheme design
- Preparation of final Report of Proposals, including finalisation of preliminary design drawings

(ii) Detailed Design and Implementation Phase

- Tailored much more towards keeping people informed on progress of the implementation of an already agreed proposal
- Options for change far more limited

11. For both phases, a protocol to guide key components of consultation should introduce a degree of certainty to a process that ultimately needs to result in schemes being delivered on the ground in a timely and cost effective manner.
12. To that end, the following factors are identified as being crucial to that objective:
 - Cost
 - Time
 - “Go/No Go” (ie the minimum level of support required to proceed) and
 - Delegation

Taking each in turn,

Cost

13. In relation to the Development and Preliminary Design phase of a project, the project manager will always need to ensure that a consultation exercise has been planned and undertaken which makes certain that local priorities are reflected in the design and that the proposals are supported by the local community.

14. Each project will have an individually tailored consultation programme featuring all or some of the techniques referred to above; plainly the more extended and complex those processes become, the greater the cost. Having regard to recent experience, best practice and affordability, it is suggested that the proportion set aside for consultation should be **no greater than 25%** of the entire budget allocated for development and preliminary design. Discussion with the Council's term consultant gives a strong indication that such a proportion will allow a full and inclusive engagement with the community and other stakeholders, even when tackling controversial issues in which there is likely to be a high level of public interest.
15. Setting an upper limit will allow project managers to design project briefs accordingly, and would in itself be a ceiling that would be highlighted and shared with consultees during the first stage of the consultation programme.
16. For the Detailed Design and Delivery Phase, consultation is tailored much more towards keeping people informed of progress, and requires proportionally less in terms of overall budget. That said, there remains a significant commitment to ensure that transparency and trust is maintained, and therefore each project will always contain a specific set of actions in order that an appropriate engagement is maintained. It is proposed that the proportion set aside for consultation should be **no greater than 10%** of the entire fee budget (ie excluding the capital cost) allocated for detailed design and delivery.

Time

17. One of the primary objectives of a protocol is the need to ensure the timely delivery of schemes, and to ensure that when options for change are rehearsed through consultation that there is a recognised limit within which a decision must be reached that can be shared with consultees from the outset.
18. It is difficult, if not impossible to set an absolute protocol relating to time, and indeed it may be unhelpful and even counter productive to do so.
19. To remove uncertainty however, Members should be aware that all new projects that are taken forward are begun with the production of a Project Initiation Document (PID)
20. A PID is a detailed planning document for use in setting up and managing a project. It sets out objectives, scope, time-scales, responsibilities, costings, risks and business benefits. Setting these out at the beginning allows everyone involved with the project to agree on exactly what will be done, when, by whom, and how.
21. The PID provides a realistic assessment of the time and resources required to complete each part of the project. It allows for risks to be anticipated and managed. It also assists the project owner in planning the project, and ensures the project has been properly thought through.

22. Once approved, the PID should be a clearly defined and scoped plan for what must be delivered, with approved budgets and delivery deadlines, which the project owner can use to manage the project and keep it on track. It will always include an action plan detailing:
- A project start date
 - A project completion date
 - The major activities to be undertaken
 - A named member (or members) of the project team responsible for each major activity
 - A time scale (start and end date) for each major activity
 - Milestones across the duration of the project
 - When any reviews will occur
23. Given that the cost of the consultation element will be predetermined (as a proportion of the whole), then clearly the time afforded to consultation will need to be planned (as a major activity) and managed accordingly.
24. The PID is also a document that should be shared and agreed at the beginning of the consultation process, and a clear understanding reached with stakeholders when key milestones must be reached.
25. Provided that project managers and consultees reach agreement from the outset, the sometimes open ended and often inconclusive nature of previous consultation exercises should be substantially improved.

“Go/No Go” (ie the minimum level of support required to proceed)

26. Given the nature of the projects with which the Council becomes engaged, it is not realistic to proceed only in circumstances where there is unanimous support. The community is a complex mix of individuals, agencies and groups who often hold opposing views on matters of basic principle. However, the overarching purpose of consultation will always be to achieve the greatest degree of consensus, particularly at the development and preliminary design stage.
27. There are several definitions of consensus ranging from the complex:
- *“The point at which agencies and the public agree with recommendations or findings. Although unanimous consensus is seldom achieved, continuous coordination throughout the study process is expected to garner support from most agencies and much of the public.”*

To the more simple:

- *“Substantial agreement”*
28. Accepting that unanimity is extremely unlikely, it is therefore useful to consider what might be the minimum level of support required to proceed to the next stage of a particular project.

29. In order to determine what might constitute “substantial agreement”, the following simple matrix is commended as a way of drawing together the level of support a project has attracted through consultation at key stages by key groups or individuals. In summary, it proposes a scoring appraisal which for six different stages looks at the degree of support at each individual stage. Depending on the degree of support, a score of -1, 0 or +1 is awarded for each stage and added together to give a final result.
30. Experience has shown that many projects are delayed due to detailed objections introduced late in the process, often from individuals who, for example, object to siting something in the immediate vicinity of their own property or premises, but do not object to it being sited elsewhere. In LTP terms, it is considered that the level of support on objectives for a proposal as a whole should carry greater influence than the detail, hence the suggested x2 weighting for that stage.

	Negative	Neutral	Positive
	-1	0	+1
Confirmation that a problem or need has been identified and prioritised	no		yes
Level of stakeholder support on objectives for proposal as a whole	0-40% (weighted x2)	41-60%	61-100% (weighted x2)
Does local Member support objectives of proposal as a whole?	no	No strong view	yes
Level of stakeholder support at conclusion of development and preliminary design stage	0-40%	41-60%	61-100%
Level of public support at conclusion of development and preliminary design stage	0-40%	41-60%	61-100%
Does local Member support conclusions of development and preliminary design stage?	no	No strong view	yes

31. It is further commended that interpretation of the results should be:

Score 4-7	GO	(delegated to DES)
Score 1-3	GO/NO GO	decision referred to Committee
Score -7-0	NO GO	Committee informed that scheme should be abandoned and investment redirected

32. The full range of potential scores is set out for clarity, however it is plain that if the first three tests all produce a negative result, a “NO GO” outcome would be inevitable. Project managers would be able to use this “break point” as a means of considering whether to abandon a project at an early stage if even first principles cannot be agreed.

33. It is recognised that the thresholds suggested above neither could nor should be applied without discretion. Each project will exhibit varying degrees of controversy, and from time to time, it may be appropriate for the project manager (in consultation with the Cabinet Member for Environment, Transport and Economic Development) to vary some or all of the criteria identified above.

Options Considered

34. No other options have been considered at this stage, other than “do-nothing”; ie to leave matters as they are. For the reasons identified above, this is not considered to be a beneficial alternative.

Main Considerations for the Council

35. Whilst maintaining the principles already adopted in the Corporate standard, Members are commended to adopt a specific protocol based on the above criteria for use in taking forward schemes that are funded through the LTP.

Environmental Impact of the Proposal

36. There is no immediate environmental impact as a result of the proposal.

Risk Assessment

37. There is a significant risk that the Council will fail to meet targets if the proposal is not accepted.

Financial Implications

38. The proposal relating to the cost and length of consultation of LTP driven schemes should result in the avoidance of disproportionate amounts of money being expended on repetitive and/or inconclusive consultation exercises. As such, the Council should experience a net overall saving.
39. More certainty in progress towards scheme delivery should also be recognised when the Council's performance is scrutinised, and might well result in the Council being better placed to secure reward funding through the LTP.

Reasons for Recommendation

40. To address the ongoing concerns that delivery and spending targets are being missed, and investment on the ground being indefinitely delayed.

Recommendation

41. That the Regulatory Committee and Cabinet agree a specific consultation protocol for Local Transport Plan driven schemes; specifically that:-
- (i) At development and preliminary design stage, the proportion of funds set aside for consultation should be **no greater than 25%** of the entire fee budget;
 - (ii) At detailed design and delivery stage, the proportion of funds set aside for consultation should be **no greater than 10%** of the entire fee budget (ie excluding the capital cost);
 - (iii) That the time afforded to consultation will be agreed at the inception of the project between the project manager and key stakeholders, with a clear understanding when key milestones must be reached;
 - (iv) That a decision to proceed (or not) with any particular project be guided by the **GO/NO GO** matrix set out in paragraphs 29-33 above.

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The following unpublished documents have been relied on in the preparation of this Report:

None